IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

Bail Appl..No. 6350 of 2007()

CRIME NO.670/2007 OF KALAMASSERY POLICE STATION

PETITIOENR/A5

JAIMON,S/O. ASOKAN,
AGED 21 YEARS, NATTUVAZHI VELIYIL
NEAR AMEDA TEMPLE, UDAYAMPERUR KARA
MANAKUNNAM VILLAGE.

BY ADV. SRI.P.T.JOSE

RESPONDENTS: COMPLAINANT

STATE OF KERALA REP. BY
C I OF POLICE
KALAMASSERY POLICE STATION.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 6350 of 2007

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Dated this the 22nd day of October, 2007

ORDER

Application for regular bail. The petitioner faces allegations under Section 395 IPC. He is the 5th accused. Altogether there are ten accused persons. The crux of the allegations is that the accused persons conspired to attack the de facto complainant when he returns home after closing his shop. The purpose of the attack was to rob him of the thick gold chain which he was always found to wear. The conspiracy was hatched. The victim was identified. The co-accused were taken to the shop of the de facto complainant in an attempt to identify him. It is alleged that on 7.8.07, when the victim was returning from his place of work, three accused persons along with the petitioner herein came in a motor cycle and snatched the gold chain in pursuance of the criminal conspiracy. At the initial stage the Police had no clue. But later it was revealed that some of the miscreants had come to the shop of the victim on the date of the incident. On that clue which was received by the Police, the police had worked the case and proceeded with the investigation. The petitioner allegedly was one of the conspirator. It is further found that the petitioner had taken part in the actual commission of the offence also.

The petitioner was arrested on 13.9.07. Investigation is in progress. Some of the co-accused remain to be arrested.

2. The learned counsel for the petitioner submits that the petitioner is innocent. He has nothing to do with the crime at all. He has been falsely implicated. He is the principal witness in a murder case. Apprehending that the petitioner may give evidence in support of the prosecution in that murder trial, an attempt is made to raise false allegations against the petitioner and ensure his detention in the jail so that the accused person in the murder trial can influence the petitioner. The petitioner who remains in custody from 13.9.07 may now be enlarged on bail, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that theory of false implication to facilitate the accused in the murder case influencing the petitioner is just a theory. It has not allegations to stand at all. Investigation clearly reveals the complicity of the petitioner. The petitioner may not be enlarged on bail, at this early stage, submits the learned counsel for the petitioner. Investigators may be given reasonable further time to complete the investigation in a serious crime like this, prays the learned Public Prosecutor.

4. I find merit in the opposition by the learned Public Prosecutor.

I find absolutely no reasons which can justify the grant of regular bail to the petitioner now. Investigation is in progress. I am not persuaded to grant regular bail to the petitioner at this early stage. Investigators in a serious crime like this are certainly entitled to further time to complete the investigation.

5. In the result, this petition is dismissed. However, I may hasten to observe that the petitioner shall be at liberty to move this court or the Sessions court for bail again at a later stage of the investigation not, at any rate, prior to 05/11/2007. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE